

March 13, 2017

The Honorable Jim Mattis
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Secretary Mattis:

I am writing in response to an extensive article published online by *USA Today* on March 9, 2017, entitled “Army brass, led by future Joint Chiefs head Martin Dempsey, gave amorous general a pass.” The article details the exploits of Army Major General John Custer, who was found in 2010 by the Army Inspector General to have been involved in an extramarital affair, in addition to improperly using government resources and failing to demonstrate exemplary conduct. However, due to what appears to be the indefensible and disturbing intervention by his then-superior officer General Martin Dempsey, MG Custer was allowed to retire with his two stars and the commensurate pension with only a minor reprimand on his record. These developments were revealed only now thanks to the actions of a whistleblower.

The U.S. Army Inspector General Agency Report of Investigation, obtained by *USA Today* through the Freedom of Information Act, described numerous damning emails constituting clear evidence of an affair. These included coded messages referring to sexual encounters, the true meaning of which was clearly understood by MG Custer’s staff. The emails also showed that Custer gave a woman who was not his wife a turquoise necklace that he had designed, saying “That necklace has only ever hung around one neck . . . no other woman ever even tried it on in a store. Nothing could be more romantic or erotic to me.” His staff also testified to investigators that MG Custer had told them “to find out if there was a Bloomingdale’s in Richmond or in the DC area, because he wanted to get leggings in the leather look for (name redacted).”

In response, the Army Inspector General found that there was a “Substantiated Allegation and Conclusion” that, while in command of the Army Intelligence School at Fort Huachuca, Arizona, MG Custer engaged in an inappropriate relationship and that MG Custer’s denials were “less than credible.” Given these concrete findings by the Army Inspector General, and the subsequent endorsement of those findings by then-Army Vice Chief of Staff General Peter Chiarelli, it is deeply alarming to only now discover that GEN Dempsey had stricken the substantiated finding of MG Custer’s inappropriate relationship from the record. As a result of GEN Dempsey’s intervention, the Army’s review board may have lacked critical information regarding MG Custer’s conduct when rendering its decision.

It is critical that interventions like those of GEN Dempsey in throwing out the IG report results be carefully considered and justified. I therefore request additional information regarding this case; specifically, further details regarding the actions by GEN Dempsey.

Additionally, I request that you direct the Army to re-review MG Custer's case, taking into account this newly-uncovered information regarding his misconduct, in order to determine whether a loss in rank or other administrative punishment is warranted.

Mr. Secretary, I am extremely concerned by the growing number of senior military leaders found to have committed misconduct, particularly as several of these cases are only coming to light years after the fact. The perception among the junior ranks of the military, the Congress, and the American public is that these senior general and flag officers more often than not avoid reprimand, and the rare instances of punishment amount to a slap on the wrist compared to what a private or a captain would receive for an identical offense. I urge you to do everything within your power to reinforce core values amongst the senior ranks, and to ensure the fair application of military justice across the force.

Thank you for your attention to this matter and for your prompt response within two weeks of your receipt of this letter.

Sincerely,

Jackie Speier

Cc:

Gen Joseph Dunford, Chairman of the Joint Chiefs of Staff
GEN Mark Milley, Chief of Staff of the Army

Attachments:

1. March 9, 2017 USA Today article
2. September 17, 2010 U.S. Army Inspector General Agency Report of Investigation